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10 **UNITED STATES DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**
12 **FRESNO DIVISION**

13 PABLO CARACENI FRANCIONE,) Case No. 1:23-cv-00344-BAM
14 Plaintiff,)
15 vs.) **DEFENDANT'S MOTION FOR
16 KILOLO KIJAKAZI,) EXTENSION TO RESPOND TO
Acting Commissioner of Social Security,) PLAINTIFF'S COMPLAINT; ORDER
17)
18 Defendant.)
19 _____)**

1 Defendant, Kilolo Kijakazi, Commissioner of Social Security (Commissioner), hereby moves for
2 an extension of time to respond to Plaintiff's Complaint in this case. In support of this request, the
3 Commissioner respectfully states as follows:

4 1. Plaintiff filed his Complaint on March 8, 2023 (Doc. No. 1). The docket reflects that
5 summons was issued on March 10, 2023, with the Commissioner's response due within 60 days
6 (May 9, 2023) (Doc. No. 5). The docket also indicates that the Commissioner's response shall be due on
7 May 22, 2023 (Doc. No. 10).

8 2. Defendant has not previously received an extension of the deadline to respond to
9 Plaintiff's Complaint.

10 3. The federal rules for social security cases require identifying designations to be included
11 in the complaint. *See Fed. R. Civ. P. SUPP SS 2.* This is generally satisfied by including a claimant's
12 social security number. Prior to the filing of this motion, the Commissioner was unable to begin the
13 process of evaluating Plaintiff's case because the Complaint did not identify a social security number.
14 The Commissioner was also unable to locate Plaintiff's record based on his name.

15 4. On March 29, 2023, counsel for the Commissioner called and left a message for Plaintiff
16 requesting that he provide identifying information for the Commissioner to begin the process of
17 responding to his Complaint.

18 5. On March 30, 2023, Plaintiff returned counsel's call. Plaintiff provided the requested
19 information for the Commissioner to begin evaluating Plaintiff's Complaint. Counsel also explained to
20 Plaintiff that additional time would be necessary to respond to his Complaint because the Commissioner
21 did not previously have the necessary information. Counsel inquired whether Plaintiff would have any
22 objection to an extension to June 22, 2023, for the Commissioner to respond to his Complaint. Plaintiff
23 advised that he had no objection to an extension

24 6. This request is made in good faith and is not intended to unduly delay the proceedings in
25 this matter.

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1 WHEREFORE, Defendant requests until June 22, 2022, respond to Plaintiff's Complaint.
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Respectfully submitted,

5 Date: April 3, 2023

PHILIP A. TALBERT
United States Attorney
Eastern District of California

7 By: /s/ Caspar Chan
8 CASPAR CHAN
9 Special Assistant United States Attorney
Attorneys for Defendant

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11 **ORDER**

12 Pursuant to Defendant's request and good cause appearing, Defendant shall respond to
13 Plaintiff's complaint on or before June 22, 2023.

14 IT IS SO ORDERED.

15 Dated: April 3, 2023

16 /s/ Barbara A. McAuliffe
17 UNITED STATES MAGISTRATE JUDGE